

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
NOVEMBER 15, 2006
CHANDLER, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 15, 2006, at the San Marcos Hotel, located at 1 San Marcos Place, Chandler, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Mr. Joseph Duarte
Chief Patricia Huntsman
Ms. Wendy Larsen
Dr. Michael Polakowski
Corporal Brandee Ralston
Detective Robert Thompson

Members Absent:

Sheriff Clarence Dupnik
Director Roger Vanderpool
Director Dora Schriro
Chief Jack Harris
Attorney General Terry Goddard
Chief Jerry Sheridan

Staff in Attendance:

Ted Brandon
Hop Bui
Marie Dryer
Ed Felix
Steve Jacobs
Gary Maschner
Curt Milam
Lyle Mann
Sandy Sierra
Maria Valtierra
Rick Watling
Mark Zbojniewicz

Assistant Attorney General
Diana Stabler

Guest Roster:

Chief Mike Hogan, Eagar Police Department
Rich Kush, CGCC
Lt. Mike Mitchell, MCSO
Dina Rodriguez, ADOT MVD
Joe Mulcaire, Department of Gaming
Mike Palmer

A. CALL TO ORDER

Chairman Butler called the meeting to order at 1:35 p.m. The chairman introduced new Board member, Corporal Brandee Ralston. Corporal Ralston replaced Sgt. Tamatha Villar.

B. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Huntsman, seconded by Wendy Larsen.

1. Minutes of the Regular Board meeting, held on September 20, 2006, were approved as written.
2. Minutes of the Charging Board meeting, held on October 11, 2006, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, December 13, 2006, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, January 17, 2007, 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO MINUTES.
 - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.
 - c. Training Program Confirmations: LIST ATTACHED TO MINUTES.
5. Decertification Case Status Report

6. Income and Expense Statement – September 2006

Funds as of September 1, 2006	\$ 1,268,676.62
CJEF Revenue	583,629.54
Expenditures/Encumbrances	(319,699.41)
Balance for January 31, 2006	\$ 1,532,606.75

C. REGULAR AGENDA1. Motor Vehicle Division Petition on Behalf of Janet Spence

Applicant Janet Spence, twelve years ago at age 34, used cocaine two times. Her usage exceeds the experimentation rule by one use after the age of 21.

The Motor Vehicle Division is petitioning the Board to determine that the drug usage by applicant Janet Spence was experimental.

Mr. Duarte moved to grant the petition for a determination that the pre-employment cocaine usage by Janet Spence was experimental, seconded by Chief Huntsman, motion carried unanimously.

2. Department of Gaming Petition for Restricted Peace Officer Certification – Jane A. Parker

The Department of Gaming has requested a full-authority “restricted” certification for two of its employees who have completed all waiver requirements but were unable to successfully complete the POPAT test. Jane A. Parker is one of those employees.

Rule R13-4-103(F) allows the Board to waive in whole or part any provision of this Article upon finding that the best interest of the law enforcement profession is served and that the public welfare and safety is not jeopardized by the waiver.

Chief Huntsman moved that based on the findings required by Rule 103 (F), the Board grant a full authority restricted certification to Ms. Jane A. Parker. This certification restricts her from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely. This certification is authorized only for the duration of employment at the Arizona Department of Gaming, seconded by Dr. Polakowski, motion carried unanimously.

3. Department of Gaming Petition for Restricted Peace Officer Certification – William B. Woods

The Department of Gaming has requested a full-authority “restricted” certification for two of its employees who have completed all waiver requirements but were unable to successfully complete the POPAT test. William B. Woods is one of those employees.

Rule R13-4-103(F) allows the Board to waive in whole or part any provision of this Article upon finding that the best interest of the law enforcement profession is served and that the public welfare and safety is not jeopardized by the waiver.

Dr. Polakowski moved that based on the findings required by Rule 103 (F), the Board grant a full authority restricted certification to Mr. William B. Woods. This certification restricts him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely. This certification is authorized only for the duration of employment at the Arizona Department of Gaming, seconded by Chief Huntsman, motion carried unanimously.

4. Academy Recognition – Payson Police Department Law Enforcement Training Academy

Lyle Mann addressed the Board to discuss the academy recognition for the 585-hour basic officer course for the Payson Police Department Law Enforcement Training Academy. The Compliance Section inspected the academy in Payson and determined the academy meets the standards of R13-4-116.

Chief Huntsman moved that the Board determine that the Payson Police Department Law Enforcement Training Academy meets the standards of R13-4-116 and that the academy may provide the basic training required to receive certified peace officer status, seconded by Ms. Larsen, motion carried unanimously.

5. Comprehensive Final Exam – Test Results

Lyndon Larson addressed the Board to discuss test results from all Academy CFE Testing completed from July 10, 2006, through October 23, 2006.

There is no motion required on this item. This is an “information only” documented presented to the Board.

6. Upcoming Calendar Year Meetings of the Board

Lyle Mann addressed the Board to discuss the upcoming calendar for 2007. The Board reviewed the calendar for next year and no changes were made.

There is no motion required on this item. This is an “information only” documented presented to the Board.

D. LEGISLATIVE UPDATE

Deputy Director Mann addressed the Board and stated there is currently nothing that will impact POST at the legislature.

E. SUMMARY OF CURRENT EVENTS

There will be a Christmas party after the December 13, 2006, Board meeting. All Board members are invited to attend.

The Law Enforcement Merit System Council approved the salary adjustment for POST employees.

H. REPORTS

1. Basic Training

ALEA – Commander Dean Nyhart was not able to attend this meeting. He submitted a written report to the Board.

COTA – Commander Branch reported they currently have eight classes, including two regional academies, with a total of 273 cadets. On October 23, 2006, they started a canine academy.

Chandler/Gilbert Community College – Director Rich Kush reported they just completed their 38th week and this class will graduate on January 26, 2007. A second class will begin on January 13, 2007.

MCSO – Lt. Mike Mitchell reported they have two classes in session. The MCSO academy is 20 weeks long.

Payson Training Academy – Rod Mamero, academy coordinator, reported that vacancy rates continue to be a problem. 1991 was the last time they ran an academy. This class started with 9 cadets, they are down to 8, one withdrew due to injury.

SALETC – Commander Lane was not able to attend this meeting. He submitted a written report to the Board.

3. Department of Corrections – John Hallahan reported that DOC is still understaffed. Hopefully the recent pay increase will change this.
4. Arizona Regional Community Policing Institute – Deputy Director Mann reported on the Leadership and Police Organization Program. Board members are invited to attend this training or any training class offered at AZ POST.

I. FINAL ACTION CASES:

Case #1 – Matthew J. Brooks. The Board considered comments from Assistant A. G. Diana Stabler and Mr. Brooks. Mr. Brooks is asking for the Board to reconsider its decision of August 16, 2006, to revoke his certification. Chief Huntsman made a motion to deny Mr. Brooks' Motion for Reconsideration, seconded by Ms. Larsen, motion carried with a 4-3 vote.

Case #2 – Edward L. Horvath. The Board considered comments from Assistant A. G. Diana Stabler. Ms. Stabler advised the Board that a consent agreement had been received just yesterday from Mr. Horvath for voluntary relinquishment. Ms. Larsen made a motion to adopt the Consent Agreement Order and Decision to voluntarily relinquish peace officer certification, seconded by Dr. Polakowski, motion carried unanimously.

Case #3 – Rudy F. Reyes. *Brandee Ralston recused herself from this case.* The Board considered comments from Assistant A. G. Diana Stabler, Rudy Reyes and Donna McDaniel, attorney for Mr. Reyes. Dr. Polakowski made a motion to suspend certification for one year, beginning January 26, 2006, seconded by Ms. Larsen, motion carried unanimously.

J. NEW CHARGING CASES:

Case #1 – Michael A. Bynaker. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Mr. Duarte, motion carried unanimously.

Case #2 – Neil A. Chamberlain. Dr. Polakowski made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Richard P. Dupuy Jr. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Dr. Polakowski, motion carried unanimously.

Case #4 – Terrilyn Y. Cheek. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Dr. Polakowski, motion carried unanimously.

Case #5 – William T. Clark. Dr. Polakowski made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Wayne B. Corcoran. Chief Huntsman made a motion to close this case with ***No Action***, seconded by Dr. Polakowski, motion carried unanimously.

Case #7 – Talia M. Garrett. Chief Huntsman made a motion to close the case with ***No Action***, seconded by Detective Thompson, motion carried unanimously.

Case #8 – James P. Godfrey. Dr. Polakowski made a motion to close the case with ***No Action***, seconded by Ms. Larsen, motion carried unanimously.

Case #9 – Jeremy Y. Mangum. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and enter a mandatory revocation for the conviction of a felony, seconded by Ms. Larsen, motion carried unanimously.

Case #10 – Christopher D. Normandin. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Mr. Duarte, motion carried unanimously.

Case #11 – Timothie W. Shull. Dr. Polakowski made a motion to ***Initiate Proceedings***, seconded by Mr. Duarte, motion carried unanimously.

Case #12 – Demanuel Yazzie. Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Ms. Larsen, motion carried unanimously.

K. CALL TO THE PUBLIC

Chief Mike Hogan from the Eagar Police Department addressed the Board during the call to the public. Chief Hogan thanked the Board for the funds provided to his agency for improvements to its firearms range.

L. ADJOURN

Chairman Butler adjourned the meeting at 3:15 p.m.

Dated: November 20, 2006

Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Gary Butler, Chairman